

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director/(954) 797-1101

PREPARED BY: Larry A. Peters, P.E., Town Engineer

SUBJECT: Ordinance 1st Reading/Quasi-Judicial
NE Corner of Flamingo Road and Orange Drive

AFFECTED DISTRICT: 3

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PETITION FOR THE RELEASE OF A CANAL RESERVATION AND ROAD RIGHTS-OF-WAY FOR THE NORTHEAST CORNER OF FLAMINGO ROAD AND ORANGE DRIVE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The petitioners are requesting that the Town of Davie release the canal reservations and road rights-of-way within the boundary of their property at the Northeast corner of Flamingo Road and Orange Drive as described in the attached legal description (Exhibit A). And to authorize the Mayor to sign the release of said canal reservations for South Florida Water Management District and for the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida.

PREVIOUS ACTIONS: Approval of Westridge Oaks Site Plan at the June 7, 2006 Council Meeting. Attachments reviewed by Town Attorney and found to be legally sufficient for their intended purposes.

CONCURRENCES: not applicable

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

Attachment(s): Ordinance, Legal Description (Exhibit "A"), South Florida Water Management District Application for Release of Mineral, Canal, and Road Reservations Reserved, State of Florida Application for Release of Reservations.

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PETITION FOR THE RELEASE OF A CANAL RESERVATION AND ROAD RIGHTS-OF FOR THE NORTHEAST CORNER OF FLAMINGO ROAD AND ORANGE DRIVE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the intent of the property owners is to have a portion of a canal reservation and a portion of road rights-of-way vacated by the Town of Davie; and

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, and a public hearing was held on the date of the adoption of this ordinance; and

WHEREAS, on the date of adoption of this Ordinance, the Town Council of the Town of Davie did agree to the vacation request.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That the canal reservation and the rights-of-way within the herein after described property be vacated by the Town of Davie:

- a. The subject property is described in Exhibit “A”, which is attached hereto and made a part hereof;
- b. The Town Council authorized the Mayor to sign the release of canal reservation for the South Florida Management District and for the Board of Trustees of the Internal Improvement Fund of the State of Florida;

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS ____ DAY OF _____, 2007.

PASSED ON SECOND READING THIS ____ DAY OF _____, 2007.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2007.

Reference No:

Exhibit "A"

PARCEL 1:

That portion of Tracts 25, 26, 47 and 48 of FLORIDA FRUITLANDS COMPANY SUBDIVISION NO. 1 OF SECTION 25, TOWNSHIP 50 SOUTH, RANGE 40 EAST, according to the Plat thereof, as recorded in Plat Book 2, at Page 17, of the Public Records of Miami-Dade County, Florida, described as follows:

COMMENCE at the Northwest corner of the Southwest Quarter of said Section 25; thence run North 89° 43' 08" East along the North line of said Southwest Quarter for 230.06 feet to the East Right-of-Way line of Flamingo Road and the POINT OF BEGINNING; thence run North 01° 47' 01" West, along said Right-of-Way line 494.66 feet to the North line of the South half of said Tract 26; thence along said North line, North 89° 43' 00" East for 1029.97 feet to a point on a line lying 60.00 feet as measured at right angles, West of the East line of the West Quarter of said Section 25; thence run South 01° 46' 37" East along said line, parallel with the East line of said West Quarter and East line of said Tracts 25, 26, 47 and 48 for 960.60 feet; thence run South 43° 21' 31" West for 49.61 feet; thence South 88° 29' 37" West and 994.35 feet to the East Right of Way line of Flamingo Road; thence along said East Right of Way line North 01° 47' 01" West and 523.07 feet to the POINT OF BEGINNING, LESS that certain undimensioned roadway shown on said Plat as lying between Tracts 25 and 48, and being accepted as 30.00 feet wide and lying 15.00 feet of each side of the North line of the Southwest Quarter of said Section 25.

Said lands situate, lying and being in Broward County, Florida.

Bearings based on West line Section 25-50-40, North 01° 47' 01" West, Flamingo Road is also known as Southwest 124 Avenue and State Road 823, South Fork of New River is also known as Canal C-11-3.

PARCEL 2:

The North 1/2 of Tract 26 of FLORIDA FRUITLANDS COMPANY SUBDIVISION NO. 1 OF SECTION 25, TOWNSHIP 50 SOUTH, RANGE 40 EAST, according to the Plat thereof, as recorded in Plat Book 2, at Page 17, of the Public Records of Miami-Dade County.

LESS THEREFROM that portion conveyed to the State of Florida, by Deed recorded in Official Records Book 15630, Page 837, of the Public Records of Miami-Dade County, Florida and LESS any portion thereof lying within the right-of-way of Flamingo Road.

Said lands situate, lying and being in Broward County, Florida.

PARCEL 3:

That certain roadway shown on the Plat of FLORIDA FRUITLANDS COMPANY SUBDIVISION NO. 1 OF SECTION 25, TOWNSHIP 50 SOUTH, RANGE 40 EAST, according to the Plat thereof, as recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida; said lands now situate, lying and being in Broward County, Florida, more fully described as follows:

That certain undimensioned roadway shown on said Plat as lying between Tracts 25 and 48, and bounded on the East side by a line lying 60.00 feet, as measured at right angles, West of the East line of the West quarter of said Section 25; and bounded on the West side by the East right-of-way line of Flamingo Road, and being accepted as 30.00 feet wide and lying 15 feet of each side of the North line of the Southwest quarter of said Section 25.

COMBINED DESCRIPTION OF PARCELS 1, 2 and 3:

That portion of Tracts 25, 26, 47 and 48 of FLORIDA FRUITLANDS COMPANY SUBDIVISION NO. 1, of Section 25, Township 50 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 2, at Page 17, of the Public Records of Miami-Dade County, Florida, described as follows:

COMMENCE at the Northwest corner of the Southwest quarter of said Section 25; thence run North 89° 43' 08" East along the North line of said Southwest quarter for 230.06 feet to the East Right-of-Way line of Flamingo Road and the POINT OF BEGINNING; thence run North 01° 47' 01" West, along said Right-of-Way line 659.58 feet to the North line of

said Tract 26; thence along said North line $89^{\circ} 42' 52''$ East for 1029.98 feet to a point on a line lying 60.0 feet as measured at right angles, West of the East line of the West quarter of said Section 25; thence run South $01^{\circ} 46' 37''$ East along said line, parallel with the East line of said West quarter and East line of said Tracts 25, 26, 47 and 48 for 1124.23 feet; thence run South $43^{\circ} 21' 31''$ West for 49.61 feet; thence South $88^{\circ} 29' 38''$ West and 994.35 feet to the East Right of Way line of Flamingo Road; thence along said East Right of Way line North $01^{\circ} 47' 01''$ West and 523.07 feet to the POINT OF BEGINNING.

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Form #0108
Rev. 9/03

South Florida Water Management District
Real Estate Department
3301 Gun Club Road, West Palm Beach, FL 33406
Post Office Box 24680, West Palm Beach, Florida 33416-4680

Application For Release of Mineral, Canal, and Road Reservations Reserved
UNDER CHAPTER 6456, 6957, 7305, 14717 and 20658, LAW OF FLORIDA

RESERVATIONS REQUESTED TO BE RELEASED CANAL: X COUNTY ROAD: _____ STATE ROAD: _____ MINERAL: _____
(if parcel is 1.25 acres or less) OR (if parcel is more than 1.25 acres, all land uses EXCEPT agricultural) MINERAL - NON USE COMMITMENT: _____

REQUIREMENTS FOR PROCESSING TO BE PROVIDED BY APPLICANT* (submit one copy, attach exhibits when applicable - facsimile transmissions and/or paper NOT ACCEPTABLE):

1. Accurate legal description of subject property: (Lengthy and/or metes and bounds legal description must be submitted in a legible and recordable form for attachment as exhibit to release instrument) See Exhibit A

Section 25, Township 50 South, Range 40 East.

2. Property Address or Street Location of vacant land: Vacant: Flaminigo & Orange Avenue

3. Size of parcel to be released: _____ acres or _____ square feet

4. Name of municipality and/or drainage district or county water management in which property is located: Town of Davie
South Florida Water Management District

5. LEGIBLE survey, sketch of property, or copy of plat (MUST show relationship of land described in application to land described in Reserving Deed. Underlying tracts must be indicated when replat(s) exist.)

6. ZONING CODE:

a) Current Zoning Code: R-1 and A-1
b) Proposed Zoning Code: Residential / Commercial
c) Current Land Use: Residential Commercial

d) Proposed Land Use: _____
e) Number of Units: _____
f) Describe property improvements: _____

7. DISTRICT SURFACE WATER MANAGEMENT OR ENVIRONMENTAL RESOURCE PERMIT NO: _____

Section 25, Township 50 South, Range 40 East

Applicant File No. _____
District File No. _____

*** FAILURE TO SUBMIT A COMPLETED APPLICATION WILL DELAY PROCESSING AND/OR RESULT IN YOUR APPLICATION BEING RETURNED.**

8. RESERVING DEED(s) (must attach copy of each). Multiple applications are not necessary if parcel is owned by a single owner.

a) EVERGLADES DRAINAGE DISTRICT (Chapters 6456, 14717, 20658) Deed No. _____
dated _____ Deed Book _____ at Page _____ County _____ Grantee: _____

b) TRUSTEES OF THE INTERNAL IMPROVEMENT FUND (Chapters 6456, 6957, 7305) Deed No. _____
dated _____ Deed Book _____ at Page _____ County _____ Grantee: _____

c) APPROVAL for TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND/STATE BOARD OF EDUCATION/THIRD PARTY DEEDS

(Florida Statutes 253.03 and 270.11) Deed No. _____ dated _____ Deed Book _____
at Page _____ County _____ Grantee: _____

SEE EXHIBIT B

(SFWMD has no interest in Trustees/Murphy Act Mineral or Road Reservations)

9. I hereby certify that title to the Town of Davie, Florida above described real property is vested in (attached Beneficial Interest and Disclosure Affidavit is required if owned by a Corporation, Partnership or Trust):
Barbara Moersch; Frederick P. Moersch; Marion C. Moersch; Bank of America, Successor Trustee under Will of Vincent J. Fuselli and as Successor Trustee of the Revocable Trust of Sarah E. Moersch

CERTIFICATE OF OWNERSHIP: Satisfactory evidence certifying that the applicant is the legal record owner of the subject property. Definition of satisfactory evidence: a current title insurance policy; current title binder; or, current title commitment issued by a title insurance company authorized to do business in the State of Florida; or a current Opinion of Title prepared by a member of the Florida Bar, covering subject property. Current means no older than six (6) months.

SEE ATTACHED FOR SIGNATURES

Signature (Owner or Applicant) _____ Title _____ Date _____

10. NAME AND ADDRESS TO WHOM RELEASE/APPROVAL IS TO BE SENT: _____

Teresa Reed, Paralegal

Ruden, McClosky, Smith, Schuster & Russell, P.A.

200 E. Broward Blvd., Ft. Lauderdale FL 33301

Telephone No. (954) 527 2422

An initial payment of \$250.00 must accompany each application. Make checks payable to SOUTH FLORIDA WATER MANAGEMENT DISTRICT. You will be advised if additional charges are indicated (see attached Fee Schedule).

FOR DISTRICT USE:

DEPARTMENT OF ENVIRONMENTAL RESOURCE COMPLIANCE: SWM Permit issued: _____ yes; _____ no; _____ no permit required

Permit No: _____ Date: _____ By: _____ Remarks: _____
Signed by: _____ Date: _____

DEPARTMENT OF WATER RESOURCE EVALUATION:

Release upon local approval. _____ Do not release. Remarks: _____
Signed by: _____ Date: _____

WATER SUPPLY & DEVELOPMENT DEPARTMENT:

Release upon local approval. _____ Do not release. Remarks: _____
Signed by: _____ Date: _____

CONSTRUCTION AND ENGINEERING DIVISION:

Release upon local approval. _____ Do not release. Remarks: _____
Signed by: _____ Date: _____

FAILURE TO SUBMIT A COMPLETED APPLICATION WILL DELAY PROCESSING AND/OR RESULT IN YOUR APPLICATION BEING RETURNED.

Order No: 50202202LA

Reference No:

Exhibit "A"

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Barbara L. Moersch, formerly Barbara L. Fuselli; Frederick P. Moersch; Marion C. Moersch; Bank Of America, N.A., As Successor Trustee Of The Trust under Will Of Vincent J. Fuselli; and Bank Of America, N.A., As Successor Trustee Of The Trust Under The Revocable Trust Indenture With Sarah E. Moersch, Dated November 19, 2003

Legend:
 "TILF" Trustees of the Internal Improvement Fund

ITEM 9 CONTINUED
SIGNATURES OF PRESENT RECORD OWNERS
FOR APPLICATION FOR RELEASE OF RESERVATIONS
SOUTH FLORIDA WATER MANAGEMENT DISTRICT

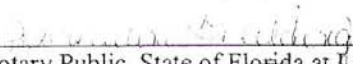

BARBARA L. MOERSCH

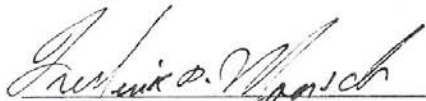
STATE OF FLORIDA
COUNTY OF CLAY

Subscribed to and sworn to before me by Barbara L. Moersch this 15 day of
December, 2005.

My Commission Expires:

1-16-06


Notary Public, State of Florida at Large

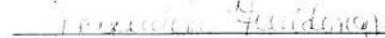

FREDERICK P. MOERSCH

STATE OF FLORIDA
COUNTY OF FLORIDA

Subscribed to and sworn to before me by Frederick P. Moersch this 15 day of
December, 2005.

My Commission Expires:

4-10-06


Notary Public, State of Florida at Large
D.D.

Marion C. Moersch
MARION C. MOERSCH

STATE OF FLORIDA
COUNTY OF SARASOTA

Subscribed to and sworn to before me by Marion C. Moersch this 15 day of
December, 2005.

My Commission Expires:

1-16-06

Marion C. Moersch
Notary Public, State of Florida at Large
SARASOTA

Bank of America, N.A., as Successor
Trustee of the Trust under the Will of
Vincent J. Fuselli, Deceased

By: [Signature]

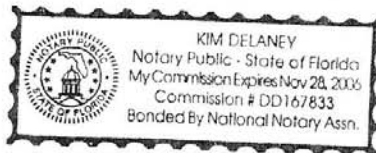
Print Name: JAIME RESTREPO, JR.

Title: Vice-President


STATE OF FLORIDA
COUNTY OF Palm Beach

Subscribed to and sworn to before me by Jaime Restrepo, Jr., the
Vice President of Bank of America, N.A., as Successor Trustee of the Trust under the
Will of Vincent J. Fuselli, Deceased, this 27th day of December, 2005.

My Commission Expires: 11-28-2006 [Signature]
Notary Public, State of Florida at Large



Bank of America, N.A., as Trustee
of the Sarah E. Moersch Trust
Under Agreement dated April 13, 2004

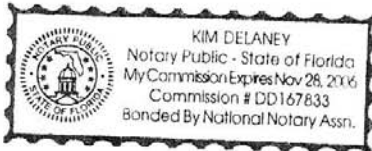
By: 
Print Name: Jaime Restrepo, Jr.
Title: Vice President

STATE OF FLORIDA
COUNTY OF PALM BEACH

Subscribed to and sworn to before me by Jaime Restrepo, Jr., the Vice
President of Bank of America, N.A., as Trustee of the Sarah E. Moersch Trust
Under Agreement dated April 13, 2004, this 12th day of JANUARY, 2006.

My commission expires: 11-28-2006

Kim Delaney
Notary Public, State of Florida at Large



ITEM 9 CONTINUED
SIGNATURES OF PRESENT RECORD OWNERS
FOR APPLICATION FOR RELEASE OF RESERVATIONS
SOUTH FLORIDA WATER MANAGEMENT DISTRICT

TOWN OF DAVIE, a municipal
corporation organized and existing
under the laws of the State of Florida

By: _____
Print Name: _____
Title: _____

STATE OF FLORIDA
COUNTY OF BROWARD

Subscribed to and sworn to before me by _____ as
_____ of the Town of Davie, a municipal corporation organized and
existing under the laws of the State of Florida, this ____ day of _____, 2006.

My Commission Expires: _____

Notary Public, State of Florida at Large

**APPLICATION FOR RELEASE OF RESERVATIONS
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA**

This application is to be used in order to apply for release of canal reservations, road right-of-way reservations or the release of right-of-entry and exploration for oil and mineral reservations, which are reserved in favor of either the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (Board of Trustees) or the State Board of Education. All applications must be submitted to the following address:

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF STATE LANDS
BUREAU OF PUBLIC LAND ADMINISTRATION
POST OFFICE BOX 3070
TALLAHASSEE, FLORIDA 32315-3070

If you have any questions, after reading this application form, or if you need the street address for over-night mailing, you may call (850) 245-2720 for assistance.

PART I: RESPOND TO ITEMS 1 THROUGH 6 IN THEIR ENTIRETY

1. TYPE OF RELEASE REQUESTED:

- ☐ Oil and mineral reservation (Right-of-Entry and Exploration only)
☐ Road right-of-way reservation
☒ Canal reservation
☐ Corrective (Corrective releases will be processed as original applications unless an error was made by the Department.)

2. INFORMATION FROM THE ORIGINAL DEED CONTAINING THE RESERVATION:

Original Deed Number(s) 16198 Deed Book 46/240, Dade County
 Original Grantee Trustees of the Internal Improvement Fund of the State of Florida
 Date of Original Deed August 28, 1922

3. Present Owner of Record of Subject Property: Barbara Moersch; Frederick P. Moersch; Marion C. Moersch;
Dank of America, Successor Trustee under Will of Vincent J. Fuselli and as Successor Trustee of the

4. Represented by: Dorey S. Webber Revocable Trust of Sarah E. Moersch; Trust of David, Fl.

Address: 4430 SW 64 Avenue Phone: 954-687-3058
Davie, FL 33314

* recorded in Deed Book 49/81, Dade County

5. The subject property is located in: (PLEASE SUBMIT THIS INFORMATION)

Broward County; Section 25, Township 50S, Range 40E, Acreage (for oil/mineral)

6. Each application must contain the following:

- a. A legible copy of the original deed containing the reservation.
- b. A legal description of the subject property, including the Section, Township, and Range; and a survey, if requested.
(If applying for an oil/mineral release, the legal description must contain acreage of tract.)
- c. A recommendation by the appropriate agency for a canal or road right-of-way release or special requirements for release of right-of-entry for oil/mineral reservation:
 - (1) When requesting the release of the right-of-entry for oil/mineral reservation, refer to Part II on page 2 for instructions.
 - (2) When requesting the release of a road right-of-way reservation, a recommendation from the appropriate Department of Transportation District office, and/or county Public Works Department (refer to Part III on page 3).
 - (3) When requesting the release of a canal reservation, a recommendation from the appropriate Water Management District (refer to Part IV on page 4).
- d. An application fee in the form of a check in the amount of \$300 per release requested made payable to the Department of Environmental Protection. Note: Please write "Release of Reservation" on the front of the check.

FOR OFFICE USE ONLY

RESERVATIONS _____ ORIGINAL DEED NO. _____ COST \$ _____

- e. Satisfactory evidence certifying that the applicant is the legal record owner of the subject land in accordance with Section 18-2.018, Florida Administrative Code, defines satisfactory evidence of title to mean a current title insurance policy, current title binder, or title commitment issued by a title insurance company authorized to do business in the State of Florida or an opinion of title prepared by a member of The Florida Bar covering title to the land described below. "Current" means no more than six months old.
- f. Notarized signature of present owner(s) of record.

CERTIFICATE OF TITLE
(Please Complete in full)

This is to advise that I am a member in good standing of The Florida Bar and that I have examined the public records, abstracts of the, title insurance policy, title insurance binder, or commitment relating to the title to the following described real property lying and being in Broward County, Florida, to-wit: (Please state legal description here or refer to an Exhibit "A")

See Exhibit A attached hereto

and based, upon said examination, I certify that as of _____ (current date), title to the aforescribed real property is vested in: Barbara Moersch; Frederick P. Moersch; Marion C. Moersch; Bank of America, Successor Trustee under Will of Vincent J. Fuselli and as Successor Trustee of the Revocable Trust of Sarah E. Moersch

John L. Shiekman _____
Print Name of Attorney Signature
Florida Bar Number 331678

SIGNATURE(S) OF PRESENT OWNER(S) OF RECORD

Barbara Moersch; Frederick P. Moersch; Marion C. Moersch; Bank of America, Successor Trustee (I/We), under Will of Vincent J. Fuselli and as Successor Trustee of Revocable Trust of Sarah E. Moersch
Print or Type in Name(s) the present owner(s) of
record, hereby request a release of reservation on the above-referenced property. *SEE CONTINUATION PAGE*

STATE OF FLORIDA
COUNTY OF _____

Signature of present owner of record

Subscribed and Sworn to before me

this _____ day of _____,
20____.

Signature of present owner of record

Signature of present owner of record

Notary Public (Seal)

My Commission Expires:

SIGNATURES CONTINUED ON NEXT PAGE

PART II: INSTRUCTIONS AND INFORMATION REQUIRED TO APPLY FOR A RELEASE OF RIGHT-OF-ENTRY AND EXPLORATION FOR AN OIL AND MINERAL RESERVATION

DO NOT SUBMIT AN APPLICATION TO THE BOARD OF TRUSTEES WHEN REQUESTING THE RELEASE OF RIGHT-OF-ENTRY AND EXPLORATION FOR AN OIL AND MINERAL RESERVATION ON PARCELS UNDER TWENTY ACRES IN SIZE. THE RIGHT-OF-ENTRY AND EXPLORATION FOR OIL AND MINERAL RESERVATIONS ON PARCELS UNDER TWENTY ACRES IN SIZE HAS BEEN RELEASED PURSUANT TO SECTION 270.11, FLORIDA STATUTES. IN ORDER TO QUALIFY FOR A RELEASE OF THE RIGHT-OF-ENTRY AND EXPLORATION FOR AN OIL AND MINERAL RESERVATION ON PARCELS TWENTY ACRES OR GREATER IN SIZE, THE APPLICANT MUST SUBMIT A NOTARIZED CERTIFICATION BY THE DEVELOPER THAT THE SUBJECT PROPERTY WILL BE A BUILDING SITE (INCLUDING FOR OUR INFORMATION THE TIME FRAME OF DEVELOPMENT AND WHAT WILL BE BUILT) AND THAT IT WILL NOT INVOLVE THE EXTRACTION OF PHOSPHATES, MINERALS, METALS OR PETROLEUM, AS SET FORTH IN PARAGRAPH 18-2.018 (3) (E) 2. FLORIDA ADMINISTRATIVE CODE.

PART III: INSTRUCTIONS TO APPLY FOR THE RELEASE OF A ROAD RESERVATION

Submit the completed application along with all exhibits pertaining to the road right-of-way reservation, including a plat, sketch, or survey of the land proposed for release and a copy of Murphy Act deed containing road reservation directly to the appropriate district office of the Florida Department of Transportation (FDOT) listed below. Do NOT send \$300 check to FDOT. The district office will determine whether the subject road right-of-way reservation is valid and make its recommendation as to whether the road right-of-way reservation or any part thereof should be released. The application will not be considered without a recommendation from the Department of Transportation.

DEPARTMENT OF TRANSPORTATION DISTRICT OFFICES

FIRST DISTRICT - Post Office Box 1249, Bartow Florida 33830 Attn: Right-of-Way (941) 533-8161 Charlone, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Polk and Sarasota Counties

SECOND DISTRICT - Post Office Box 1089, Lake City, Florida 32056 Attn: Right-of-Way (904) 752-3300 Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Gilchrist, Hamilton, Lafayette, Levy, Madison, Nassau, Putnam, St. Johns, Suwannee, Taylor and Union Counties

THIRD DISTRICT - Post Office Box 607, Chipley, Florida 32428 Attn: Right-of-Way (850) 638-0250 Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, and Washington Counties

FOURTH DISTRICT - 3400 West Commercial Boulevard, Ft. Lauderdale, Florida 33309 Attn: Right-of-Way (954) 486-1400 Broward, Indian River, Martin, Palm Beach and St. Lucie Counties

FIFTH DISTRICT - 719 South Woodland Boulevard, Deland, Florida 32720 Attn: Right-of-Way (386) 943-5000 Brevard, Citrus, Flagler, Lake, Marion, Orange, Osceola, Seminole, Sumter, and Volusia Counties

SIXTH DISTRICT - 1000 Northwest 111th Avenue, Miami, Florida 33172 Attn: Right-of-Way (305) 470-5185 Dade and Monroe Counties

SEVENTH DISTRICT - 11201 North Malcolm McKinley Drive, Tampa, Florida 33612 Attn: Property Management (813) 975-6020 Hernando, Hillsborough, Pasco and Pinellas Counties

Note to FDOT DISTRICT OFFICES: Please refer to ALL roads adjacent to property and complete either a or b:

a. () * The _____ District Office of the Florida Department of Transportation certifies that a state road DID exist on the date of the deed (/ /) in which the reservation was made and it recommends to the Board of Trustees one of the following:

- (1) () Retain ALL of the reservation, since it is presently a State Road and we will need 100 feet from the centerline of S.R. _____ for road improvement; or
- (2) () Retain _____ feet from the centerline of _____, also known as _____ since it is presently a State Road; (but _____ was not then a State Road); or
- (3) () That this request is being forwarded to the applicable county or city for their footage recommendation, since we find the reservation to be valid, but the road is now under their jurisdiction.

b. () * The _____ District Office of the Florida Department of Transportation certifies that its records reflect that a state road DID NOT exist on the date of the old deed affecting the subject property and that a full release of reservation should be given. However, this application will be forwarded to the applicable county public works department for a final determination as to the validity of the reservation.

Title: _____ Date: _____

Signature (FDOT official)

FDOT District Office is to forward this application to the county or city authority for its review and concurrence with this recommendation (unless it is presently a state road and FDOT states it was also a state road on the date of the deed containing the reservation).

COUNTY OR CITY PUBLIC WORKS DEPT: Please complete either a or b: (Refer to ALL roads affecting the subject property)

a. () The _____ (governmental authority) certifies that a state road DID exist on the date of the deed (/ /) in which the reservation was made and it recommends to the Board of Trustees one of the following:

- (1) Retain ALL of the reservation, since it is presently a (county/city) road and we will need 100 feet from the centerline of _____, also known as _____, for road improvement; or
- (2) Retain _____ feet from the centerline of _____, also known as _____, which is presently a (county/city) road; but _____ was not then a State Road.

b. () The _____ (governmental authority) certifies that its records reflect that a state road DID NOT exist on the date of the old deed affecting the subject property and that a full release of reservation should be given.

By: _____ Title: _____ Date: _____

Signature (county or city official)

NOTE: The local governmental authority should return this application with its recommendation to the applicant so that the applicant may decide whether to apply to the Board of Trustees for a release of reservation.

PART IV: INSTRUCTIONS AND INFORMATION REQUIRED TO APPLY FOR THE RELEASE OF A CANAL RESERVATION

EVERGLADES DRAINAGE DISTRICT DEEDS

DO NOT SUBMIT AN APPLICATION TO THE BOARD OF TRUSTEES WHEN REQUESTING THE RELEASE OF A CANAL RESERVATION CONTAINED IN AN EVERGLADES DRAINAGE DISTRICT DEED (CHAPTERS 6456, 6957, 14717 AND 20658, LAWS OF FLORIDA). SUBMIT ALL SUCH REQUESTS TO THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT, POST OFFICE BOX 24680, WEST PALM BEACH, FLORIDA 33416-4680.

ALL OTHER DEEDS CONTAINING CANAL RESERVATIONS

SUBMIT ALL OTHER REQUESTS FOR THE RELEASE OF A CANAL RESERVATION ALONG WITH ALL EXHIBITS PERTAINING TO THE CANAL RESERVATION AND THE COMPLETED APPLICATION DIRECTLY TO THE APPROPRIATE WATER MANAGEMENT DISTRICT OFFICE LISTED BELOW. DO NOT SEND DEP CHECK TO WATER MANAGEMENT DISTRICT. THE WATER MANAGEMENT DISTRICT WILL DETERMINE WHETHER THE RESERVATION OR ANY PART THEREOF SHOULD BE RELEASED. THE APPLICATION WILL NOT BE CONSIDERED WITHOUT A RECOMMENDATION FROM THE APPROPRIATE WATER MANAGEMENT DISTRICT.

WATER MANAGEMENT DISTRICTS

NORTHWEST FLORIDA - Route 1, Box 3100, Havana, Florida 32333 (850) 539-5999 Attn: Land Management and Acquisition; Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, Washington

SUWANNEE RIVER - Route 3, Box 64, Live Oak, Florida 32060 (904) 362-1001 Attn: Land Acquisition and Management; Alachua (part), Baker (part), Bradford, Columbia, Dixie, Gilchrist, Hamilton, Jefferson, Lafayette, Levy Madison, Suwannee, Taylor, Union.

ST. JOHNS RIVER - Post Office Box 1429, Palatka, Florida 32178-1429 (386) 329-4500 Attn: Department of Planning and Acquisition; Alachua (part), Baker (part), Brevard, Clay, Duval, Flagler, Indian River, Lake, Marion (part), Nassau, Okeechobee (part), Orange (part), Polk (part), Putnam, Seminole, St. Johns, Volusia

SOUTHWEST FLORIDA - 2379 Broad Street, Brooksville, Florida 34609-6899 (352) 796-7211 Attn: Real Estate Division; Broward, Charlotte (part), Collier, Dade, Glades, Hendry, Highlands, Lee, Martin, Monroe, Okeechobee (part), Orange (part), Osceola (part), Palm Beach, St. Lucie

SOUTH FLORIDA - Post Office Box 24680, West Palm Beach, Florida 33416-4680 (561) 686-8800, 1-800-432-2045 Attn: Real Estate Division; Broward, Charlotte (part), Collier, Glades, Hendry, Highlands, Lee, Martin, Miami-Dade, Monroe, Okeechobee (part), Orange (part), Osceola (part), Palm Beach, St. Lucie.

The _____ Water Management District Office hereby:

- a. objects to the release of any portion of the canal reservation for the following reason

- b. objects only to the release of the following portion of the canal reservation:

- c. has no objection to the release of the entire canal reservation for the following reason:

By: _____ Title: _____ Date: _____
(Print Name)

Agency: _____
Signature

NOTE: The Water Management District Office should return this application with its recommendation to the applicant so that the applicant may decide whether to apply for a release of reservation.

INFORMATION TO APPLY FOR RELEASE OF RESERVATIONS
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA

Submit application for release of all Board of Trustees' reservations, along with check in the sum of \$300.00, to:

Department of Environmental Protection
Division of State Lands
Bureau of Public Land Administration
Post Office Box 3070
Tallahassee, Florida 32315-3070

The street address for overnight mail is:

Department of Environmental Protection
3800 Commonwealth Boulevard
Mail Station 130
Tallahassee, Florida 32399-3000

- 1) The application is to be made by the current property owner who must submit either the Certificate of Title by a Florida attorney (See Page Two of application form) or a recent Title Company title commitment or policy.
- 2) Applicant must submit a non-refundable \$300.00 check payable to the Department of Environmental Protection (DEP) with application form. Multiple deeds containing reservations and multiple legal descriptions can be combined into one release, but each ownership will be a separate release and must have a separate application and check.
- 3) Application must first be sent to the respective water management district (for a canal reservation release) or to the respective Department of Transportation district office (for a road reservation release) for their recommendation. South Florida Water Management District requires their form along with our form and a check for \$250.00 to be submitted to them. (Call 1-800-432-2045, Extension 6836). When receive application back, applicant then sends it to DEP with \$300.00 check.
- 4) If have oil/mineral reservation and property is less than 20 acres, Section 270.11 (2)(b), Florida Statutes, has automatically released the right of entry and application is not made. The interest itself is never released, only the right of entry. If 20 acres or more, all the property must be a building site. A certification is then made that it is now a building site or a time frame is stated as to when the property will be built on the land and that it will not involve phosphate, mineral, metal or petroleum extraction, in accordance with 18-2.018 (3)(e) 2, Florida Administrative Code.
- 5) Applicant must submit full legal description, including the section, township and range.

INFORMATION TO APPLY FOR RELEASE OF RESERVATIONS
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA

Submit application for release of all Board of Trustees' reservations, along with check in the sum of \$300.00, to:

Department of Environmental Protection
Division of State Lands
Bureau of Public Land Administration
Post Office Box 3070
Tallahassee, Florida 32315-3070

The street address for overnight mail is:

Department of Environmental Protection
3800 Commonwealth Boulevard
Mail Station 130
Tallahassee, Florida 32399-3000

- 1) The application is to be made by the current property owner who must submit either the Certificate of Title by a Florida attorney (See Page Two of application form) or a recent Title Company title commitment or policy.
- 2) Applicant must submit a non-refundable \$300.00 check payable to the Department of Environmental Protection (DEP) with application form. Multiple deeds containing reservations and multiple legal descriptions can be combined into one release, but each ownership will be a separate release and must have a separate application and check.
- 3) Application must first be sent to the respective water management district (for a canal reservation release) or to the respective Department of Transportation district office (for a road reservation release) for their recommendation. South Florida Water Management District requires their form along with our form and a check for \$250.00 to be submitted to them. (Call 1-800-432-2045, Extension 6838). When receive application back, applicant then sends it to DEP with \$300.00 check.
- 4) If have oil/mineral reservation and property is less than 20 acres, Section 270.11 (2)(b), Florida Statutes, has automatically released the right of entry and application is not made. The interest itself is never released, only the right of entry. If 20 acres or more, all the property must be a building site. A certification is then made that it is now a building site or a time frame is stated as to when the property will be built on the land and that it will not involve phosphate, mineral, metal or petroleum extraction, in accordance with 18-2.018 (3)(e) 2, Florida Administrative Code.
- 5) Applicant must submit full legal description, including the section, township and range.
- 6) If the reservation is in an Everglades Drainage District (EDD) deed, application for release is made to the South Florida Water Management District and not to the Board of Trustees. EDD deeds are identified by a statement in its first paragraph of one of the following Laws of Florida Chapter Numbers: 6456, 6957, 4717 or 20658. You should then call the SFWMD real estate division for their application form.
- 7) If you have any questions when applying to the Bureau of Public Land Administration, please call (850) 488-2291 and state that you are calling about a Release of Reservation.


CONTINUATION OF SIGNATURES OF PRESENT RECORD OWNERS
FOR APPLICATION FOR RELEASE OF RESERVATIONS
BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND OF THE
STATE OF FLORIDA


BARBARA L. MOERSCH

STATE OF FLORIDA
COUNTY OF FLORIDA

Subscribed to and sworn to before me by Barbara L. Moersch this 15 day of
December, 2005.

My Commission Expires:


Notary Public, State of Florida at Large


FREDERICK P. MOERSCH

STATE OF FLORIDA
COUNTY OF CHILMAN

Subscribed to and sworn to before me by Frederick P. Moersch this 15 day of
December, 2005.

My Commission Expires: 1-16-06

Frederick P. Moersch
Notary Public, State of Florida at Large
FLA

Marion C. Moersch
MARION C. MOERSCH

RECEIVED
STATE OF FLORIDA
COUNTY OF CHIEF HONOR

Subscribed to and sworn to before me by Marion C. Moersch this 15 day of
December, 2005.

My Commission Expires: 1-16-06

Marion C. Moersch
Notary Public, State of Florida at Large
11/15/2005

Bank of America, N.A., as Successor
Trustee of the Trust under the Will of
Vincent J. Fuselli, Deceased

By: *[Signature]*

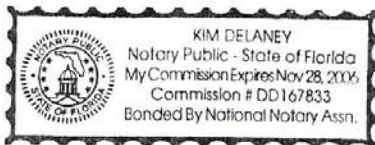
Print Name: Jaime Restrepo, Jr.

Title: Vice President

STATE OF Florida
COUNTY OF Palm Beach

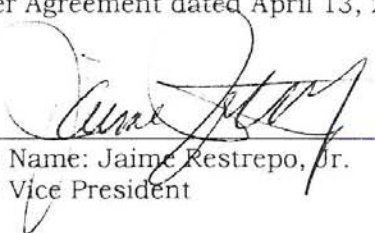
Subscribed to and sworn to before me by Jaime Restrepo, Jr., the
Vice President of Bank of America, N.A., as Successor Trustee of the Trust under the
Will of Vincent J. Fuselli, Deceased, this 27th day of December, 2005.

My Commission Expires: 11-28-06



Kim Delaney
Notary Public
Print Name: Kim DELANEY

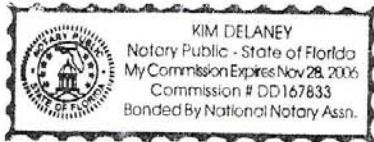
Bank of America, N.A., as Trustee
of the Sarah E. Moersch Trust
Under Agreement dated April 13, 2004

By: 
Print Name: Jaime Restrepo, Jr.
Title: Vice President

STATE OF FLORIDA
COUNTY OF PALM BEACH

Subscribed to and sworn to before me by Jaime Restrepo, Jr., the Vice
President of Bank of America, N.A., as Trustee of the Sarah E. Moersch Trust
Under Agreement dated April 13, 2004, this 12th day of November, 2006.

My commission expires: 11-28-2006 Kim Delaney
Notary Public, State of Florida at Large



ITEM 9 CONTINUED
SIGNATURES OF PRESENT RECORD OWNERS
FOR APPLICATION FOR RELEASE OF RESERVATIONS
SOUTH FLORIDA WATER MANAGEMENT DISTRICT

TOWN OF DAVIE, a municipal
corporation organized and existing
under the laws of the State of Florida

By: _____
Print Name: _____
Title: _____

STATE OF FLORIDA
COUNTY OF BROWARD

Subscribed to and sworn to before me by _____ as
_____ of the Town of Davie, a municipal corporation organized and
existing under the laws of the State of Florida, this ____ day of _____, 2006.

My Commission Expires:

Notary Public, State of Florida at Large

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